

REMARKS

Claims 1-14 are pending. Claims 1, 4-6, and 12 have been amended for clarity only. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Applicant respectfully requests entry of this amendment since no new issues are raised by this response and it places the application in condition for allowance or at least in better form for appeal.

In the Title

The title was objected to for allegedly containing a minor typographical error. Applicants submit that the originally filed application contained the correct title and that the typographical error was found on the filing receipt generated by the Office. Specifically, Applicants submit that the title on the first page of the originally filed specification reads "Method and...". Accordingly, Applicants respectfully request withdrawal of this objection.

Claims Rejections Under 35 U.S.C. § 102

A. Claims 1, 2, 5-11, and 14 were rejected under 35 U.S.C. § 102(b) over Fulton III et al. (U.S. Patent No. 5,715,386). Applicants respectfully traverse this rejection.

Claims 1, 8, and 14 each recite, in part, a method, apparatus or computer readable medium capable of collecting system state information about the number of primary servers to monitor unstableness of the servers and judging whether at least one of the servers is unstable as a result of monitoring. The method/apparatus/medium further includes judging whether a spare server or other primary server having spare capacity exists, duplexing all processes of the unstable primary server to the spare server or the other primary server having spare capacity, and after completing duplexing, providing the unstable server with a system rejuvenation control signal for executing rejuvenation.

In contrast, Fulton discloses rejuvenating an application when the rejuvenation utility detects that the process is dead or hung. See, for example, column 2, lines 15-50. Fulton does not disclose duplexing the process onto a spare server when it is determined that the process is unstable, i.e., before the process fails since Fulton merely discloses restarting a failed process. Although the Office Action alleges that Fulton discloses duplexing in column 10, Applicants respectfully disagree. In column 10, Fulton merely discloses saving, into a file, the state of the failed process. Therefore, Fulton fails to teach, or even suggest, at least,

duplexing all processes of the unstable primary server to the spare server or the other primary server having spare capacity, as recited in claims 1, 8, and 14.

Claims 2, 5-7, and 9-11 are believed allowable for at least the reasons presented above with respect to claims 1 and 8 by virtue of their dependence upon claims 1 and 8. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

B. Claims 1-14 were rejected under 35 U.S.C. § 102(e) over Harper et al. (U.S. Publication No. 2003/0036882). Applicants respectfully traverse this rejection.

As discussed above, claims 1, 8, and 14 each recite, in part, a method, apparatus or computer readable medium capable of collecting system state information about the number of primary servers to monitor unstableness of the servers and judging whether at least one of the servers is unstable as a result of monitoring. The method/apparatus/medium further includes judging whether a spare server or other primary server having spare capacity exists, duplexing all processes of the unstable primary server to the spare server or the other primary server having spare capacity, and after completing duplexing, providing the unstable server with a system rejuvenation control signal for executing rejuvenation.

In contrast, Harper, as illustrated by Figure 4, teaches waiting for the primary node to fail 460 before rebooting 470 the primary node. Harper does not teach, or even suggest, providing the unstable server with a system rejuvenation control signal for executing rejuvenation after completing duplexing, as recited in each of claims 1, 8, and 14

Claims 2-7, and 9-13 are believed allowable for at least the reasons presented above with respect to claims 1 and 8 by virtue of their dependence upon claims 1 and 8. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Conclusion

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

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Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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